



# **BILL NO. 53**

*Government Bill*

---

*2nd Session, 61st General Assembly  
Nova Scotia  
59 Elizabeth II, 2010*

---

## **An Act Respecting the Fur Industry**

CHAPTER 4  
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 11, 2010**

The Honourable John MacDonell  
*Minister of Agriculture*

---

*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

## An Act Respecting the Fur Industry

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Fur Industry Act*.
- 2 In this Act,
  - (a) “Department” means the Department of Agriculture;
  - (b) “designated professional” means an individual or a member of an organization or group of individuals designated by the Minister for the purpose of this Act or the regulations;
  - (c) “Farm Practices Board” means the Farm Practices Board established by the *Farm Practices Act*;
  - (d) “fur-bearing animal” means mink, fox, chinchilla and such other fur-bearing animals as may be designated in the regulations;
  - (e) “fur farm” means a property upon which live fur-bearing animals are held for commercial purposes;
  - (f) “inspector” means an inspector appointed by the Minister;
  - (g) “Minister” means the Minister of Agriculture;
  - (h) “operator” means a person or partnership that operates a fur farm.
- 3
  - (1) The Minister has the general supervision and management of this Act and the regulations.
  - (2) The Minister may, from time to time, designate persons to act on behalf of the Minister.
  - (3) The Minister may delegate to a person designated by the Minister any power conferred or duty imposed on the Minister by this Act.
- 4 The Minister may, for the purpose of the administration and enforcement of this Act,
  - (a) establish and administer policies, programs and guidelines respecting the development of the fur industry in the Province;
  - (b) consult with and co-ordinate the work and efforts of departments and agencies of the Province respecting any matter relating to the maintenance and development of the fur industry in the Province;
  - (c) develop scientific databases, including databases of information, with respect to determining the impact of the fur industry on the environment;
  - (d) gather, compile, publish and disseminate information, including statistical data, relating to the maintenance and development of the fur industry in the Province;

- (e) conduct economic analyses to determine the costs and benefits of the fur industry in the Province;
- (f) convene conferences and conduct seminars and educational programs relating to the development and management of the fur industry in the Province;
- (g) give financial assistance to any person, group, society or association for purposes related to the promotion and enhancement of the fur industry in the Province;
- (h) establish fees for the provision, registration or filing of any information, documents, returns and reports, any application for, processing and issuance of an approval, certificate, licence or lease, any inspection or investigation and any services or material provided in the course of the administration of this Act;
- (i) prescribe forms for the purpose of this Act;
- (j) take such measures as the Minister considers necessary for the development of the fur industry in the Province.

**5 (1)** The Minister may appoint, as an inspector, a person who has the qualifications and experience to be an inspector for the purpose of all or part of this Act.

**(2)** Where a person appointed pursuant to subsection (1) is not an employee of the Department, the Minister shall, before making the appointment, consult with and obtain the consent of the person or, where applicable, the employer of the person.

**(3)** An appointment under subsection (1) may direct that the authority of the inspector be exercised subject to any terms and conditions that the Minister prescribes in the appointment, including limitations on the scope of the appointment.

**6** On entering any place, an inspector shall, on request, produce an identification card provided by the Department and provide reasons for the entry.

**7** The Minister may designate any individual or group of individuals who possess the professional skills required for the purposes of Sections 33 and 34.

**8** The Minister may, on behalf of the Province, enter into an agreement with the Government of Canada, the government of a province of Canada or the government of a foreign country, or state thereof, or an agency of any of the foregoing, or with a municipality or local government district or any society, group, organization, person or individual for

- (a) the joint management of the fur industry or mutual assistance in the enforcement of laws related to the fur industry;
- (b) the development and implementation of joint informational, educational or training programs;
- (c) the conduct of joint scientific investigations,

and the agreement may provide for contributions toward the cost of implementing the agreement.

**9 (1)** No person or partnership shall operate a fur farm without

- (a) a valid operating licence; and
- (b) a valid site approval permit.

- (2) No operating license or site approval permit is valid if
- (a) the prescribed fees have not been paid; or
  - (b) the licence or permit has been suspended or revoked.

**10 (1)** A person may apply to the Minister, in the manner prescribed by the Minister, for an operating licence.

(2) An application for an operating licence must be accompanied by the information stipulated by the Minister.

(3) The Minister may require an applicant for an operating licence to submit any additional information the Minister considers necessary.

(4) Where the Minister considers an application to be incomplete, the application may not be processed until the information required is submitted.

(5) The Minister may not issue an operating licence without confirmation in writing that the applicant has a valid site approval permit.

(6) An operating licence may be renewed on application to the Minister.

(7) The rights attached to any operating licence are subject to any terms and conditions provided in this Act or the regulations or required by the Minister.

(8) No person shall contravene the terms and conditions of an operating licence.

**11 (1)** A person may apply to the Minister, in the manner prescribed by the Minister, for a site approval permit.

(2) An application for a site approval permit must be accompanied by the information stipulated by the Minister.

(3) The Minister may require an applicant for a site approval permit to submit any additional information the Minister considers necessary.

(4) Where the Minister considers an application to be incomplete, the application may not be processed until the information required is submitted.

(5) The Minister may issue a site approval permit if a fur farm meets the standards established by the regulations.

(6) An amended site approval permit is required for alterations to a site if those alterations are to any thing or procedure relating to a fur farm that is addressed in standards established in regulations.

**12 (1)** Any operating licence or site approval permit issued pursuant to this Act may be amended at any time by the Minister.

**(2)** Terms and conditions attached to any operating licence or site approval permit issued pursuant to this Act may be amended at any time by the Minister.

**13 (1)** The issuance or transfer of any operating licence or site approval permit pursuant to this Act or the regulations is at the discretion of the Minister.

**(2)** The Minister may refuse to issue or transfer an operating licence or site approval permit to any person found guilty of an offence pursuant to

- (a)** this Act or the regulations; or
- (b)** any other enactment prescribed in the regulations.

**14 (1)** The Minister may, at any time, suspend or cancel an operating licence or site approval permit issued pursuant to this Act or the regulations.

**(2)** The Minister may reinstate any operating licence or site approval permit cancelled pursuant to this Act or the regulations, subject to any conditions the Minister considers appropriate.

**(3)** The Minister may suspend or cancel any operating licence or site approval permit by having a notice of cancellation served personally on the holder of the operating licence or permit or by mailing by registered mail or transmitting by electronic communication a notice to the address of the holder as noted on the licence or permit.

**(4)** A notice of suspension or cancellation is effective on the date of delivery by hand, five business days after the mailing of the notice, or three days after transmission of electronic communication of the notice, after which the operating licence or site approval permit is void and of no effect.

**15** An operator shall submit any reports prescribed by the Minister to the Department.

**16 (1)** Every operator shall keep such books and records as are prescribed by the Minister.

**(2)** Every operator shall permit an inspector or a designated employee of the Department to examine any books or records required by the Minister to be kept.

**17 (1)** For the purpose of the administration of this Act, an inspector may, at any reasonable time,

- (a)** enter and inspect any fur farm to determine compliance with this Act and the regulations;
- (b)** enter and inspect any place that the inspector has reasonable grounds to believe is likely to contain documents related to an activity or thing that is, or is required to be, the subject of a licence or permit;

(c) enter and inspect any place that the inspector has reasonable grounds to believe is, or is required to be, the subject of a licence or permit;

(d) stop and inspect any vehicle or vessel to determine whether it is being used to transport mink or mink waste in compliance with this Act or the regulations;

(e) require the production of any documents that are required to be kept pursuant to this Act.

(2) An inspector and a person accompanying an inspector may, while carrying out duties under this Act, enter on or pass over any land or water, whether enclosed or not, without being liable for trespass and without the owner of the property having the right to object.

(3) It is a condition of every operating licence or site approval permit that the operator shall forthwith on request allow inspectors to carry out inspections authorized pursuant to the Act or regulations of any fur farm, other than a dwelling.

(4) The Minister may publish the results of inspections carried out pursuant to this Act and the regulations.

(5) An inspector and every person accompanying an inspector shall thoroughly cleanse and disinfect all their footwear and equipment before entering a fur farm.

(6) An operator shall give an inspector all reasonable assistance necessary to enable the inspector to carry out any action authorized by law and shall furnish the inspector with any information the inspector requires to carry out that action.

**18 (1)** In order to determine compliance with this Act or the regulations, an inspector

(a) may seize any article, fur-bearing animal or record that the inspector requires for the purpose of an inspection; and

(b) where property has been seized pursuant to clause (a), shall give a receipt to any operator from whom property is seized setting out a description of the property seized.

(2) An inspector may take samples during the course of inspection including

(a) biological samples from any fur-bearing animal found during the inspection;

(b) water samples;

(c) soil samples; and

(d) air samples.

**19 (1)** Subject to subsection (2), property seized by an inspector pursuant to subsection 18(1) must not be detained after

(a) this Act, the regulations or an order or direction, as the case may be, has, in the opinion of the inspector, been complied with; or

(b) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of an offence, in which case the property may be detained until all proceedings with respect to the offence are finally concluded.

- (2) An inspector may
- (a) return the seized property to the person from whom it was seized or to whom it belongs before it is dealt with in the courts;
  - (b) in the case of a live fur-bearing animal,
    - (i) in accordance with the direction of the Minister, keep it in captivity or deliver it to another person to have it kept in captivity, kill it or otherwise dispose of it, or
    - (ii) dispose of it in any manner agreed to by the owner.

(3) Where a live fur-bearing animal is delivered to another person, the Minister may assess the costs of keeping the fur-bearing animal in captivity to the owner or person in possession of the animal, or both, and that cost must be paid on demand by the person assessed and is recoverable by the Minister as a debt due the Crown.

(4) The Minister is not liable for damages or costs for items wrongfully seized and detained if there were reasonable and probable grounds for the seizure.

(5) Notwithstanding anything contained in this Act, the Minister may sell or give away a fur-bearing animal but any money received by the Minister as a result of selling that animal must be returned to the owner of the animal that was seized, less any amount to cover expenses properly incurred by the Minister with respect to that animal.

**20 (1)** Where the Minister or an inspector believes, on reasonable and probable grounds, that an operator has contravened or will contravene this Act, the Minister or inspector may issue an order requiring an operator, at that operator's own expense, to

- (a) install, replace or alter any structure, facility, system or process designed to manage waste on a fur farm;
- (b) install, replace or alter any structure, facility, system or process designed to manage water on a fur farm;
- (c) alter the procedures to be followed for the management of waste on a fur farm or part thereof;
- (d) alter the procedures to be followed for the management of water on a fur farm or part thereof;
- (e) install, replace or alter any structure, facility, system or process designed to prevent the escape of fur-bearing animals from captivity;
- (f) carry out clean-up and disinfection of any site in accordance with directions set out in the order;
- (g) obtain veterinary care for the fur-bearing animals held at a fur farm;
- (h) isolate, conduct health testing of or destroy fur-bearing animals exhibiting symptoms of disease;



- (i) provide adequate food, clean fresh water and shelter to fur-bearing animals held at a fur farm;
- (j) do all things and take all steps necessary to comply with this Act.

**(2)** In addition to any other requirements that may be included in an order issued pursuant to this Act, an order may

- (a) require an operator, at that operator's own expense, to undertake tests, investigations, surveys and other action and report results to the Minister;
- (b) fix the time within which any measure required by the order is to be commenced and the time within which the order or any portion of the order is to be complied with;
- (c) includes any other measure that the Minister considers necessary to facilitate compliance with the order.

**21 (1)** When an order is served on an operator to whom it is directed, that operator shall comply with the order forthwith or, where a period for compliance is specified in the order, within the time period specified.

**(2)** Where the operator to whom an order is directed does not comply with the order or part thereof, the Minister may take whatever action the Minister considers necessary to carry out the terms of the order.

**(3)** Reasonable costs, expenses or charges incurred by the Minister pursuant to this Section are recoverable by order of the Minister

- (a) against the person to whom the order was directed;
- (b) authorizing deduction from monies recovered from the sale of seized materials; or
- (c) directing any person who has purchased real property from an operator to whom the order was directed to pay to the Minister from any money that is still owed to the operator, a sum not to exceed the amount owing in respect of the costs, expenses or charges.

**(4)** A purchaser who pays an amount to the Minister pursuant to clause (3)(c) is discharged from any obligation to pay that amount to the operator.

**(5)** For the purpose of this Section, the costs referred to in subsection (3) include any costs incurred in investigating and responding to

- (a) any matter to which an order relates; or
- (b) the failure to comply with an order.

**(6)** In any claim or action under this Section, a certificate purporting to be signed by the Minister setting out the amount of costs, expense or charge is admissible in evidence and is, in the absence of evidence to the contrary, proof of the amount of the cost, expense or charge set out in the certificate.

(7) Where an order to pay is issued by the Minister pursuant to subsection (3), the order may be filed with the prothonotary of the Supreme Court of Nova Scotia and, when so filed,

(a) the order is of the same force and effect as if it were a judgment against real property that the person named in the order may now or hereafter own;

(b) a lien is established on the property referred to in clause (a) for the amount stated and it is deemed to be taxes in respect of the real property and may be collected in the same way and in the same priority as taxes under the *Assessment Act*; and

(c) the order may be enforced as if it were a judgment of the Supreme Court in civil proceedings.

(8) No lien under subsection (7) is created against a property registered pursuant to the *Land Registration Act* until the order is recorded in the parcel register.

**22** (1) A person who commits an offence under this Act or the regulations is liable to a fine of not less than one thousand dollars or to imprisonment for a period of not more than six months, or to both a fine and imprisonment.

(2) Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed.

(3) No prosecution under this Act may be commenced more than two years after the day upon which the offence was committed.

**23** The *Summary Proceedings Act* and forms authorized thereunder apply to all prosecutions and proceedings pursuant to this Act and the regulations as far as they are applicable and are not inconsistent with this Act and the regulations.

**24** Where any person has had an operating licence or site approval permit or the privilege of obtaining such a licence or permit cancelled or forfeited pursuant to this Act, that person shall not be entitled to apply for and hold any operating licence or site approval permit for such time as is prescribed by the regulations or as ordered by the Minister from the date of cancellation or forfeiture.

**25** (1) Where the Minister receives a complaint respecting the operation of a fur farm, the Minister may refer the complaint to the Farm Practices Board to determine whether the fur farm is operating in accordance with accepted agricultural practices.

(2) The findings of the Farm Practices Board made under subsection (1) are binding on the operator.

(3) The Minister may refuse to refer a complaint to the Farm Practices Board if the complaint is of a frivolous or vexatious nature.

**26** The Minister may designate any disease that is a significant threat to fur-bearing animals for the purpose of this Act and regulations.

**27 (1)** The Minister may quarantine any site, area or region found to be infected with a designated disease.

**(2)** The Minister may order the destruction of fur-bearing animals at any site, area, or region that has been quarantined pursuant to subsection (1).

**(3)** The Minister may order the cleaning and disinfection or destruction of any site that has been quarantined pursuant to subsection (1).

**28 (1)** Import or export into or from a quarantined site, area or region requires a permit issued by the Minister.

**(2)** The Minister may issue a permit to import or export into or from a quarantined site, area or region.

**29 (1)** Every operator who holds a fur-bearing animal that the operator

(a) knows or suspects is infected with a designated disease; or

(b) knows or suspects has been in contact with an animal infected with a designated disease,

shall immediately report that knowledge or suspicion to the Minister.

**(2)** Every operator who holds a fur-bearing animal that the operator suspects may have died from a designated disease shall

(a) have such samples of the dead fur-bearing animal taken as are directed by the Minister, and have those samples tested for the designated disease; and

(b) report the findings of the test to the Minister.

**30 (1)** No operator who holds fur-bearing animals shall allow those animals to

(a) roam outside an approved containment structure;

(b) escape from captivity; or

(c) be released to the wild.

**(2)** Every operator whose fur-bearing animals escape from captivity shall immediately make all reasonable efforts to restore the escaped fur-bearing animals to captivity.

**31 (1)** Every operator who holds fur-bearing animals shall provide the animals with

(a) adequate feed;

(b) adequate clean, fresh water; and

(c) adequate shelter.

**(2)** An operator who holds fur-bearing animals shall handle the animals in a humane manner.

**(3)** An operator who holds fur-bearing animals may only destroy the animals in a humane manner.

**32** Every operator shall maintain the place where fur-bearing animals are kept in a clean and sanitary condition.

**33 (1)** Every operator shall develop and follow a management plan for the operation of a fur farm that includes provision for minimizing water, air, soil and biodiversity contamination.

**(2)** The management plan referred to in subsection (1) and any revisions to the plan must be approved by a designated professional.

**34 (1)** Every operator shall establish a monitoring program that includes regular monitoring and testing of water, soil and air by a designated professional.

**(2)** Every operator shall report the results of monitoring programs as requested by the Minister.

**35** Fur farms that exist at the time of the coming into force of this Act must meet the standards set out in the regulations within three years of the coming into force of this Act.

**36 (1)** The Governor in Council may make regulations

- (a) respecting licences;
- (b) respecting permits;
- (c) prescribing fees;
- (d) prescribing fines;
- (e) establishing standards and codes for the operation of fur farms, including standards and codes respecting animal care, odours, water, flies, feed and waste handling;
- (f) respecting appeals;
- (g) establishing facility requirements;
- (h) establishing siting requirements;
- (i) respecting records;
- (j) respecting reporting;
- (k) respecting inspections;
- (l) prescribing additional inspection powers and duties;
- (m) designating diseases for the purpose of this Act;
- (n) designating professionals for the purpose of this Act;
- (o) respecting quarantine of fur-bearing animals or fur farms;
- (p) respecting the transportation of fur-bearing animals;

- (q) designating fur-bearing animals for the purpose of clause 2(d);
- (r) prescribing terms and conditions for permits and licences;
- (s) respecting management plans;
- (t) prescribing enactments for the purpose of subsection 13(2);
- (u) defining any word or expression used by not defined in this Act;
- (v) further defining any word or expression defined in this Act;
- (w) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**37** Where there is a conflict between this Act or the regulations and the *Animal Health Protection Act*, the *Animal Protection Act* or the regulations made under either of those Acts, the *Animal Health Protection Act*, the *Animal Protection Act* or the regulations made under those Acts prevail.

**38** Where there is a conflict between this Act or the regulations and the *Farm Practices Act* or the regulations made under that Act, this Act or the regulations prevail.

**39** Where, with respect to fur-bearing animals raised or held on a fur farm, there is a conflict between this Act or the regulations and the *Wildlife Act* or regulations made under that Act, this Act prevails.

**40** Part XX of Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is repealed.

**41** Subsection 44(2) of Chapter 504 of the Revised Statutes, 1989, the *Wildlife Act*, is amended by striking out “Part XX of the *Agriculture and Marketing*” in the second line and substituting “the *Fur Industry*”.

**42** Section 45 of Chapter 504 is amended by striking out “Part XX of the *Agriculture and Marketing*” in the second line and substituting “the *Fur Industry*”.

**43** Subsection 47(2) of Chapter 504 is amended by striking out “Part XX of the *Agriculture and Marketing*” in the fifth line and substituting “the *Fur Industry*”.

**44** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.